

Message Text

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TAGS: OAS, SHUM

SUBJECT:USDEL 13

FOLLOWING ARE DRAFT RESOLUTIONS PRESENTED BY THE
DELEGATION OF COSTA RICA CONCERNING THE INTER-AMERICAN
HUMAN RIGHTS COMMISSION:

1. QUOTE: SEAT FOR THE INTER-AMERICAN COURT OF HUMAN RIGHTS

WHEREAS:

ENTRY INTO FORCE OF THE AMERICAN CONVENTION ON HUMAN RIGHTS
'PACT OF SAN JOSE, COSTA RICA," SIGNED AT THE INTER-AMERICAN
SPECIALIZED CONFERENCE ON HUMAN RIGHTS IN SAN JOSE, COSTA
RICA IN NOVEMBER 1969, IS IMMINENT;

ARTICLE 33 OF THE CONVENTION PROVIDES FOR THE ESTABLISHMENT
OF AN INTER-AMERICAN COURT OF HUMAN RIGHTS AS AN ORGAN
HAVING COMPETENCE WITH RESPECT TO MATTERS RELATING TO THE
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FULFILLMENT OF THE COMMITMENTS MADE BY THE STATES PARTIES;

ARTICLE 58 PROVIDES THAT THE COURT SHALL HAVE ITS SEAT AT
THE PLACE DETERMINED BY THE STATES PARTIES TO THE COVENTION
IN THE GENERAL ASSEMBLY OF THE ORGANIZATION; AND
THE GOVERNMENT OF COSTA RICA HAS MADE A FORMAL OFFER
OF ITS TERRITORY FOR THE SEAT OF THE INTER-AMERICAN

COURT OF HUMAN RIGHTS,

THE GENERAL ASSEMBLY

RESOLVES:

TO RECOMMEND THAT THE SEAT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS BE ESTABLISHED IN COSTA RICA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN ARTICLE 58 OF THE AMERICAN CONVENTION ON HUMAN RIGHTS, "PACT OF SAN JOSE, COSTA RICA." UNQUOTE.

2. QUOTE: TRANSITION MECHANISM FROM THE PRESENT INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO THE COMMISSION PROVIDED FOR IN THE AMERICAN CONVENTION ON HUMAN RIGHTS

THE GENERAL ASSEMBLY,

CONSIDERING:

THAT TEN COUNTRIES HAVE NOW RATIFIED THE AMERICAN CONVENTION ON HUMAN RIGHTS, CALLED THE 'PACT OF SAN JOSE, COSTA RICA,' AND THAT ITS ENTRY INTO FORCE IS IMMINENT;

THAT THE MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES ASSUMED IN THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES UNCLASSIFIED

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AS WELL AS OTHER INSTRUMENTS, THE OBLIGATION TO RESPECT THE FUNDAMENTAL RIGHTS OF HUMAN BEINGS;

THAT THAT CHARTER INCLUDES, AMONG THE ORGANS OF THE ORGANIZATIONS, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS WHOSE PRINCIPAL FUNCTION IS TO PROMOTE THE OBSERVANCE AND DEFENSE OF HUMAN RIGHTS AND TO SERVE AS THE CONSULTATIVE ORGAN OF THE ORGANIZATION IN THIS AREA;

HAVING SEEN THE REQUEST MADE BY THE DELEGATION OF COSTA RICA FOR A DECISION ON THE MECHANISM FOR TRANSITION FROM THE CURRENT INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO THE COMMISSION CALLED FOR IN THE AMERICAN CONVENTION ON HUMAN RIGHTS,

RESOLVES:

1. TO STATE THAT WHEN THE 'PACT OF SAN JOSE, COSTA RICA' ENTERS INTO FORCE, THE MEMBERS OF THE INTER-AMERICAN

COMMISSION ON HUMAN RIGHTS SHALL CONTINUE TO SERVE IN THAT CAPACITY, WITH THE POWERS CONFERRED UPON THEM BY THE PRESENT

STATUTES AND REGULATIONS, UNTIL THE ELECTION OF THEIR
SUCCESSORS, IN ACCORDANCE WITH ARTICLES 79 AND 80
OF THE CONVENTION.

2. AFTER THE ELECTION OF THE SUCCESSORS TO THE PRESENT
MEMBERS OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
THE COMMISSION SHALL BE GOVERNED:

A) WITH RESPECT TO THE MEMBER STATES THAT HAVE NOT
RATIFIED THE AMERICAN CONVENTION ON HUMAN RIGHTS, BY
ITS CURRENT STATUTES AND RULES OF PROCEDURE, EVEN AFTER
THE CONVENTION HAS ENTERED INTO EFFECT;

B) WITH RESPECT TO THE MEMBER STATES THAT HAVE RATIFIED
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THE CONVENTION, BY ITS CURRENT STATUTES AND RULES OF
PROCEDURE, UNTIL STATUTES AND RULES OF PROCEDURE PROVIDING
FOR GREATER RESPONSIBILITIES ARE ADOPTED IN ACCORDANCE
WITH THE 'PACT OF SAN JOSE, COSTA RICA.' UNQUOTE. VANCE

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